

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SOUTHEASTERN HOUSING COURT  
DEPARTMENT

\*\*\*\*\*

TOWN OF HANOVER,  
Petitioner,

v.

HAROLD WATT, JR.,  
Owners

Respondent.

\*\*\*\*\*

**PETITION TO ENFORCE THE STATE SANITARY CODE  
AND FOR APPOINTMENT OF A RECEIVER**

This is a petition by the Town of Hanover (the “Town”), seeking the appointment of a Receiver for the property located at 840 Washington Street, Hanover, Massachusetts (the “Property”) pursuant to M.G.L. c. 111, § 127I for purposes of rectifying multiple violations of the State Sanitary Code (the “Code”) on that property.<sup>1</sup> The Town asserts that the Property is owned and/or occupied by Respondent and has numerous long-standing Code violations that pose a serious risk to the health, safety and well-being of occupants, abutters, trespassers, emergency responders and residents of the community, thereby justifying the Court’s exercise of its statutory authority and equitable power to appoint a receiver for the purpose of making those repairs necessary to protect the public health and safety.

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<sup>1</sup> The property also evidences multiple violations of the State Building Code – Massachusetts Code of Regulations, Title 780 – and violations of Hanover Zoning Bylaws.

## **JURISDICTION AND PARTIES**

This Court has equitable jurisdiction over Respondents and the Property pursuant to M.G.L. c. 111, § 127I and M.G.L. c. 218, § 19C.

The Property is located in Hanover, Massachusetts.

The Town is a municipal corporation under the Constitution and laws of the Commonwealth of Massachusetts.

Respondent, Harold Watt is the equitable owner and occupant of the premises located at 840 Washington Street, Hanover, Massachusetts. (**Exhibit 1**).

## **FACTUAL ALLEGATIONS**

The Property is located at 840 Washington Street, Hanover, Massachusetts and contains a single-family dwelling. The appraised value of the property by the Town of Hanover is \$220,800. (**Exhibit 1**).

Anthony Marino is the Assistant Town Manager, Building Inspector and Health Agent for the Town of Hanover and visited the subject property on multiple occasions within the last year and determined property to be in violation of Massachusetts Health and Safety Codes. (**See, Affidavit of Anthony Marino, Exhibit 2**).

Mr. Marino together with other health and police officials visited the property in August, 2015 and determined the property to be in violation of multiple health and building code standards, and ordered that the property be cleaned of debris. (**Exhibit 43**

Notwithstanding this order, the Respondent, Watt has refused to clean the exterior of the property, and to remove debris and vermin from the property. (**See, Affidavit of Anthony Marino, Exhibit 2**).

Throughout the calendar year 2016, the Respondent Watt showed inconsistent cooperation with the Town's effort to gain compliance for this property. By August, 2016 the Respondent has become resistant and combative to the Town's efforts to achieve compliance with health and safety codes related to the exterior of the property. (**Id. Exhibit 2**). Upon information and belief, the interior of the building is also non-compliant for which the Town also seeks immediate relief. (**Exhibit 4**).

### ARGUMENT

The Town respectfully requests that the Court appoint a receiver to investigate the physical condition of the Property and to effectuate necessary cleaning and repairs to the Property such that the Property will no longer pose a threat to public safety.

Whenever a petitioner shows that violations of the sanitary code will not be promptly remedied unless a receiver is appointed and the court determines that such appointment is in the best interest of occupants residing in the property, the court shall appoint a receiver of the property.

M.G.L. c. 111, § 127I (emphasis added). (**Exhibit 5**).

General Laws c. 111, § 127I, sets forth circumstances that permit a court to appoint a receiver (i.e., when it "may" do so) as well as those circumstances when appointment of a receiver is mandated (i.e., when it "shall" do so). Section 127I requires the appointment of a receiver to undertake remedial action when there are ongoing sanitary code violations in an occupied building and the court determines that such appointment is in the best interest of the occupants residing in the property, but makes the appointment discretionary when the building is

unoccupied or, if occupied, when the best interests of occupants do not require appointment.

Easthampton Sav. Bank v. City of Springfield, 470 Mass. 284, 294, 21 N.E.3d 922, 933-34 (2014) (internal citations and quotations omitted). If the Court determines that it is in the best interests of the Property's occupants to appoint a receiver and that such appointment is necessary to correct Code violations, appointment of a receiver is mandatory by law. M.G.L. c. 111, § 127I; City of Boston v. Rochalska, 72 Mass. App. Ct. 236, 244, 890 N.E.2d 157, 164 (2008).

Here, the Property is occupied and its present condition creates a significant risk of harm to current occupants and to the public. The substantial amount of debris in the yard surrounding the building, presents risk of vermin and contamination and restricts access to the building on the Property. The exterior of the premises has unmitigated accumulation amounts of household trash and debris. Interior inspection of the premise also revealed uninhabitable and dangerous conditions in violation of state and local health and safety codes. These conditions endanger the occupants and the public, including without limitation the Property's neighbors, trespassers and any unauthorized occupants who may use this property for shelter or to engage in any illegal activities, and to emergency personnel who may be called to respond to any call to service at this Property.

Additionally, the Code and other violations "will not be promptly remedied unless a receiver is appointed" because the owner has been unresponsive, uncooperative or otherwise unwilling or unable to address the serious and continuing health violations upon the premises.

## RELIEF REQUESTED

WHEREFORE, the Town respectfully requests this court to:

1. Schedule a hearing for the appointment of a receiver for the Property;
2. Appoint a receiver for the Property pursuant to the Court's general equitable powers and G.L. c. 111, § 127I for the purpose of accessing the exterior and interior of the Property, conducting an inspection to assess the feasibility of repairs that will be necessary to bring the Property into conformity with the State Sanitary Code and other applicable codes and ordinances, and complete these repairs; and
3. Grant such additional relief as the Court deems just and proper.

Respectfully Submitted,  
Town of Hanover  
By its attorney,

Dated: September 18, 2016



David A. DeLuca, Esq. (BBO# 543964)  
Murphy, Hesse, Toomey & Lehane, LLP  
300 Crown Colony Drive, Suite 410  
Quincy, MA 02169  
Tel: (617) 479-5000  
ddeluca@mhtl.com

# EXHIBIT 1

## QUITCLAIM DEED

We, Harold Watt, Jr. and Sally Barker, Individually and as Co-Executors of the Estate of Harold Watt, of Hanover and Weymouth, Massachusetts, by Power of Sale granted in the Last Will and Testament of Harold Watt, Norfolk Probate Court docket no. 99P0092-EP1 and all other powers

for consideration paid, and in full consideration of One Dollar  
\$ 1.00

grant to Harold Watt, Jr. of 840 Washington Street, Hanover, Massachusetts, with  
quitclaim covenants

The land with the buildings thereon, situated in Hanover, Plymouth County, Massachusetts, and bounded and described as follows:

Received & Recorded  
PLYMOUTH COUNTY  
REGISTRY OF DEEDS  
15 FEB 2000 11:26AM  
RICHARD C. SEIBERT  
REGISTER  
Bk 18278 Pg 266-267

NORTHEASTERLY by Washington Street, seventy (70) feet;

SOUTHEASTERLY by other land of Fred P. Holt, one hundred (100) feet;

SOUTHWESTERLY by land now or formerly of Boston Sand & Gravel Co., forty (40) feet; and

NORTHWESTERLY by land now or formerly of Mary W. Wright, one hundred (100) feet.

Being the same premises conveyed to Harold Watt and Ada J. Watt by George E. Tufts by deed dated July 13, 1953, recorded with the Plymouth Registry of Deeds, Book 2287, Page 370.

Witness our hand and seals this 10th day of December, 1999.

Harold Watt Jr  
Harold Watt, Jr

Harold Watt Jr  
Harold Watt, Jr., Co-Executor  
of the Estate of Harold Watt

Sally Barker  
Sally Barker

Sally Barker Co-Executrix  
Sally Barker, Co-Executrix  
of the Estate of Harold Watt

The Commonwealth of Massachusetts

Norfolk, ss

Dec 10, 1999

Then personally appeared the above named Sally Barker, Co-Executrix of the Estate of Harold Watt, and acknowledge the foregoing instrument to be her free act and deed before me

*mailed*  
Whittem & Leahy  
Ten McBrath Hwy  
Quincy, MA 02169


Edward J Fleming  
Notary Public Edward J Fleming  
My commission expires: 1-6-06

The Commonwealth of Massachusetts

Norfolk, ss

February 8, 1999 ss

Then personally appeared the above named Harold Watt, Jr. Co-Executor of the Estate of Harold Watt, and acknowledge the foregoing instrument to be his free act and deed before me

  
Notary Public

My commission expires:

MARK A. LEAHY, Notary Public  
My Commission Expires September 1, 2000

Mark A Leahy  
9-1-2000

Address of Premises: 840 Washington St., Hanover, MA

←————— END OF INSTRUMENT —————→



**840 WASHINGTON ST****Location** 840 WASHINGTON ST**Assessment** \$220,800**Mblu** 31 / 22 /**Appraisal** \$220,800**Acct#** 1010**PID** 2994**Owner** WATT JR HAROLD**Building Count** 1**Current Value**

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$76,000	\$144,800	\$220,800
Assessment			
Valuation Year	Improvements	Land	Total
2016	\$76,000	\$144,800	\$220,800

**Owner of Record**

**Owner** WATT JR HAROLD  
**Co-Owner** C/O CLUFF SUSAN  
**Address** 840 WASHINGTON ST  
 HANOVER, MA 02339

**Sale Price** \$1  
**Certificate**  
**Book & Page** 18278/ 266  
**Sale Date** 02/15/2000  
**Instrument** 1A

**Ownership History**

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
WATT JR HAROLD	\$1		18278/ 266	1A	02/15/2000
WATT HAROLD & ADA J	\$0		2287/ 370		08/03/1953

**Building Information****Building 1 : Section 1**

**Year Built:** 1960  
**Living Area:** 730  
**Replacement Cost:** \$117,824  
**Building Percent** 64  
**Good:**  
**Replacement Cost**  
**Less Depreciation:** \$75,400

**Building Photo**

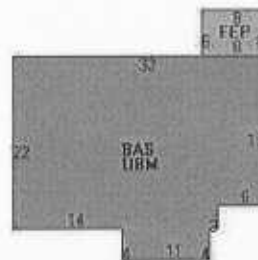
Building Attributes	
Field	Description
Style	Conventional
Model	Residential

Grade:	Average
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	4 Rooms
Bath Style:	Average
Kitchen Style:	Modern



(<http://images.vgsi.com/photos/HanoverMAPhotos//\00\00\29\79.jpg>)

#### Building Layout



Building Sub-Areas			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	730	730
FEP	Porch, Enclosed, Finished	48	0
UBM	Basement, Unfinished	730	0
		1508	730

#### Extra Features

Extra Features	Legend
No Data for Extra Features	

#### Land

##### Land Use

**Use Code** 1010  
**Description** Single Family  
**Zone**  
**Neighborhood** 20  
**Alt Land Appr** No  
**Category**

##### Land Line Valuation

**Size (Acres)** 0.2  
**Frontage** 0  
**Depth** 0  
**Assessed Value** \$144,800  
**Appraised Value** \$144,800

**Outbuildings**

<b>Outbuildings</b>						<b>Legend</b>
<b>Code</b>	<b>Description</b>	<b>Sub Code</b>	<b>Sub Description</b>	<b>Size</b>	<b>Value</b>	<b>Bldg #</b>
SHD1	SHED FRAME			100 S.F.	\$600	1

**Valuation History**

<b>Appraisal</b>			
<b>Valuation Year</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2015	\$65,900	\$134,100	\$200,000
2014	\$80,200	\$136,500	\$216,700
2011	\$75,300	\$144,500	\$219,800

<b>Assessment</b>			
<b>Valuation Year</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2015	\$65,900	\$134,100	\$200,000
2014	\$80,200	\$136,500	\$216,700
2011	\$75,300	\$144,500	\$219,800

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# EXHIBIT 2

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SOUTHEASTERN HOUSING COURT  
DEPARTMENT

\*\*\*\*\*

TOWN OF HANOVER,  
Petitioner,

v.

HAROLD WATT, JR.,  
Owners

Respondent.

\*\*\*\*\*

**AFFIDAVIT OF ANTHONY MARINO**

1. My name is Anthony Marino and I am the Assistant Town Manager and Building Commissioner in the Town of Hanover. I have also served as the Health Agent for the Town.
2. Since \_\_\_\_\_ I have been aware of the distressed property located at 840 Washington Street, Hanover. The property has a history of violations which date from 2003. At all relevant times the property has been and presently is occupied by the respondent, Harold Watt.
3. On each occasion of a notice of violation, Mr. Watt responded with minimal effort to restore the property to compliance. More recently the respondent has become more defiant in his response to the Town's requests, and volume of debris and pestilence has become virulent and uncontrolled.
4. Washington Street (Route 53) is a major thoroughfare in the Town of Hanover. The respondent's property visible location has caused a major distraction for motorists in the area of 840 Washington Street. In the recent past, significant improvement of other area

properties has highlighted the non-compliant nature of this property, increasing the distraction and risk to public safety.

5. Upon information and belief the interior of the structure is also non-compliant with health and safety codes, and it is therefore requested that the premises be inspected. If the interior is non-compliant, it is anticipated that further order to vacate the premises may be imposed.

Signed Under the Pains and Penalties of Perjury by,

---

Anthony Marino

Date: September\_\_\_\_, 2016

# EXHIBIT 3

file  
copy

**DEPARTMENT OF MUNICIPAL INSPECTIONS**  
**TOWN OF HANOVER**

TOWN HALL, 550 HANOVER STREET, HANOVER, MA 02339 • (T) 781-826-6400 • (EMAIL) INSPECTIONS@HANOVER-MA.GOV

PHONE

FAX

CONSERVATION: (781) 826-6505  
PLANNING: (781) 826-7641  
BUILDING: (781) 826-6400  
HEALTH: (781) 826-4611



CONSERVATION: (781) 826-5950  
PLANNING: (781) 826-5950  
BUILDING: (781) 826-5950  
HEALTH: (781) 826-5289

August 25, 2015

Harold Watt  
c/o Susan Cluff  
P.O. Box 113  
Hanover, MA 02339

Re: 840 Washington Street

Dear Mr. Watt,

The ongoing problem with an excessive amount of debris and junk in your front yard cannot go on, you continue to collect debris and trash and store it in your front yard. You have been ordered, not only by this office but by the Clerk Magistrate at the Brockton Housing Court to clean up your yard, yet you continue to violate to the Town of Hanover Bylaws. **Considering everything listed above you are hereby ordered to remove the junk and debris from your front yard by September 14, 2015.**

This ongoing issue needs to be addressed as it is a violation of the following By-Laws and State codes:

1. Town of Hanover General By-Laws, Section 6-8 Junk and Car Disposal Law
2. Town of Hanover Zoning By-Laws, Section 5.60 Outdoor Storage
3. Massachusetts Fire Code (527 CMR, Section 1.06(1)) regarding access to your home
4. Massachusetts General Laws, Chapter 148, Section 5, which references removal of combustible materials in close proximity to a building.
5. Minimum Standards for Human Habitation (105 CMR - 410), Section 410.602(A), which refers to keeping land clean and free from garbage and debris.

Keep in mind the fines for violating the Zoning By-Laws will be \$300 for each offense and each day that the violation continues shall constitute a separate offense. The fines for violating the Town of Hanover General By-Laws are \$25 for the first offense, \$50 for the second offense, \$100 for the third offense, and \$200 for the fourth and each subsequent offense and again each day that the violation continues shall constitute a separate offense. **Also, if you do not comply by September 14, 2015 I will be forced to file with the Housing Court to address the violation of the Minimum Standards for Human Habitation (105 CMR-410) and the Town of Hanover Bylaw violations.**

Sincerely,

Anthony L. Marino  
Assistant Town Manager  
Building Commissioner/Health Agent

Received By: Harold Watt

Date: 9/4/15

Signature: Refused to sign

*Delivered at 10:45 AM.*



DEPARTMENT OF MUNICIPAL INSPECTIONS  
TOWN OF HANOVER

TOWN HALL, 550 HANOVER STREET, HANOVER, MA 02339 • (T) 781-826-6400 • (EMAIL) INSPECTIONS@HANOVER-MA.GOV

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CONSERVATION: (781) 826-5950  
PLANNING: (781) 826-5950  
BUILDING: (781) 826-5950  
HEALTH: (781) 826-5289

November 25, 2013

Harold Watt  
c/o Susan Cluff  
P.O. Box 113  
Hanover, MA 02339

FILE COPY

Re: 840 Washington Street

Dear Mr. Watt,

The ongoing problem with an excessive amount of debris and junk in your front yard cannot go on, you continue to collect debris and trash and store it in your front yard. You have been ordered, not only by this office but by the Clerk Magistrate at the Brockton Housing Court to clean up your yard, yet you continue to violate to the Town of Hanover Bylaws. **Considering everything listed above you are hereby ordered to remove the junk and debris from your front yard by December 6, 2013.**

This ongoing issue needs to be addressed as it is a violation of the following By-Laws and State codes:

1. Town of Hanover General By-Laws, Section 6-8 Junk and Car Disposal Law
2. Town of Hanover Zoning By-Laws, Section 5.60 Outdoor Storage
3. Massachusetts Fire Code (527 CMR, Section 1.06(1)) regarding access to your home
4. Massachusetts General Laws, Chapter 148, Section 5, which references removal of combustible materials in close proximity to a building.
5. Minimum Standards for Human Habitation (105 CMR -- 410), Section 410.602(A), which refers to keeping land clean and free from garbage and debris.

Keep in mind the fines for violating the Zoning By-Laws will be \$300 for each offense and each day that the violation continues shall constitute a separate offense. The fines for violating the Town of Hanover General By-Laws are \$25 for the first offense, \$50 for the second offense, \$100 for the third offense, and \$200 for the fourth and each subsequent offense and again each day that the violation continues shall constitute a separate offense. **Also, if you do not comply by December 6, 2013 I will be forced to file with the Housing Court to address the violation of the Minimum Standards for Human Habitation (105 CMR-410) and the Town of Hanover Bylaw violations.**

Sincerely,

Anthony L. Marino  
Director of Community Services  
Building Commissioner/Health Agent

Certified Mail #7011-0110-0001-1066-1567

DEPARTMENT OF MUNICIPAL INSPECTIONS  
TOWN OF HANOVER

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PHONE

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HEALTH: (781) 826-4611



FAX

CONSERVATION: (781) 826-5950  
PLANNING: (781) 826-5950  
BUILDING: (781) 826-5950  
HEALTH: (781) 826-5289

October 8, 2010

Certified Mail #7004-1350-0001-3308-8061

Witsop Development Group, LLC  
150 Longwater Drive, Suite 202  
Norwell, MA 02061  
Attn: James O'Brien

FILE COPY

Re: 840 Washington Street, Hanover, Massachusetts

Dear Mr. O'Brien,

This correspondence is in response to your September 27, 2010 letter about the perceived condition of the property at 840 Washington Street, Hanover, Massachusetts. In particular, you inquired about the status of prior enforcement orders and fines issued against Harold Watt, owner of that property.

For your information, the Town is continuing to monitor Mr. Watt's property and work with Mr. Watt to resolve any outstanding issues concerning its condition. Therefore, your requested enforcement actions are unnecessary at this time.

Thank you for your courtesy and cooperation in this matter.

Sincerely,

Anthony Marino  
Director of Community Services  
Building Commissioner/Health Agent

Cc: Board of Selectmen  
Board of Health  
James Toomey - Murphy, Hesse, Toomey & Lehan, LLP

DEPARTMENT OF MUNICIPAL INSPECTIONS  
TOWN OF HANOVER

TOWN HALL, 550 HANOVER STREET, HANOVER, MA 02339 • (T) 781-826-6400 • (EMAIL) INSPECTIONS@HANOVER-MA.GOV

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FAX

CONSERVATION: (781) 826-5950  
PLANNING: (781) 826-5950  
BUILDING: (781) 826-5950  
HEALTH: (781) 826-5289

September 8, 2009

FILE COPY

Harold Watt  
c/o Susan Cluff  
P.O. Box 113  
Hanover, MA 02339

Re: 840 Washington Street

Mr. Watt,

This letter is a follow up to my site visit on September 3, 2009, where I was accompanied by John Undzis, who is a building inspector for the town. As you know, we discussed the excessive amount of debris in your front yard and a time frame to clean it up. Please take the necessary steps to clean up the debris on your front yard by October 2, 2009.

This issue needs to be addressed as it is a violation of the Towns General By-Laws, specifically section 6-8 Junk and Car Disposal Law. There could also be issues with the Hanover Fire Department with regard to the Fire Code and being able to access your home and/or the Department of Public Health's Housing Code. Again, please take the necessary steps to remedy this situation and avoid further action by this office.

The Building Office thanks you for your anticipated cooperation with this matter.

Sincerely,

Anthony L. Marino  
Building Commissioner

Cc: Board of Selectmen  
Capt. Barbara Stone, Hanover Fire Dept.  
Andrew Port, Asst. Town Administrator

File

**TOWN OF HANOVER NOTICE OF VIOLATION  
OF TOWN BY-LAW, RULE OR REGULATION**

DATE OF THIS NOTICE <u>8/31/06</u>	DOCKET # HAN <b>No</b> <u>0818</u>
NAME OF OFFENDER <u>HAROLD J. WATTS</u>	
ADDRESS OF OFFENDER <u>840 WASHINGTON ST.</u>	
CITY, STATE, ZIP CODE <u>HANOVER MA</u>	DATE OF BIRTH OF OFFENDER <u>5-30-44</u>
MV OPERATOR LICENSE NUMBER <u>031324746</u>	MV/MB REGISTRATION NUMBER
OFFENSE: <u>6-8 JUNK CAR &amp; DISPOSAL</u> <u>LAW - SCRAP METALS &amp; VEH. PARTS</u>	

TIME AND DATE OF VIOLATION <u>9:10</u> (A.M.) (P.M.) ON <u>8/31</u> 20 <u>06</u>	LOCATION OF VIOLATION <u>840 WASHINGTON ST. HANOVER, MA</u>
SIGNATURE OF ENFORCING PERSON <u>[Signature]</u>	ENFORCING DEPARTMENT <u>HANOVER</u>

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

x Harold J. Watts

☐ Unable to obtain signature of offender. Date Mailed 25.00

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ 25.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.

(1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

TOWN CLERK  
550 HANOVER STREET  
HANOVER, MA 02339

(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, WITHIN 21 DAYS OF

THE DATE OF THIS NOTICE to:  
CLERK-MAGISTRATE  
HINGHAM DISTRICT COURT  
28 GEORGE WASHINGTON BLVD.  
HINGHAM, MA 02043  
Attn: 21D Noncriminal Hearings.

(3) If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

☐ I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of \$ \_\_\_\_\_

☐ I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature \_\_\_\_\_

APPROVED BY THE CHIEF JUSTICE OF THE DISTRICT COURT DEPARTMENT PURSUANT TO G.L. c. 40 § 21 D.



**PLANNING BOARD  
TOWN OF HANOVER  
MASSACHUSETTS**

**MEMORANDUM**

**TO:** **Paul McAuliffe, Building Inspector**  
**Board of Health**  
**Captain Barbara Stone, Fire Prevention Officer**  
**Patrick Gallivan, Conservation Agent**

**FROM:** **Andrew R. Port, Town Planner**

**RE:** **Request for Inspection/Comment on Enforcement or Code Violations – 840 Washington St.**

**DATE:** **March 24<sup>th</sup>, 2008**

---

The Planning Board has inquired as to the status of any outstanding or pending enforcement or code issues at the above referenced property. The above property is noticeable to anyone traveling along Washington Street (Route 53), and it seems unlikely that this property (in it's current state) is not in violation of some state or local regulation. As such, we respectfully request that you investigate this property under applicable regulations and report back to the Planning Board your findings.

In particular, we draw your attention to the following regulations which may be relevant:

1. Hanover General Bylaws: Sections 6-3 Junk Dealers, 6-8 Junk and Car Disposal Law, 6-9 Sign Bylaw, 6-22 Violation of Fire Codes.
2. Hanover Zoning Bylaw: Sections 4 Expansion of Preexisting Nonconformances/uses & Other nonconformances, 5.300 Accessory Structures, 5.400 Signs, 5.600 Outdoor Storage, 6.840.C. Junk and Salvage Yards, 6.840.C. Hazardous Wastes, 7.000 Dimensional Regulations.
3. State or Local Board of Health & Septic System Regulations.
4. State or Local Fire Regulations.
5. State or Local Wetland Regulations.
6. State Building Code Regulations.

If you have any further questions, please do not hesitate to contact me at (781) 826-7641.

BUILDING  
MAR 25 2008  
DEPARTMENT



BUILDING DEPARTMENT  
TOWN HALL - 550 HANOVER STREET - SUITE 8  
HANOVER, MASSACHUSETTS 02339-2242  
781-826-6400  
[www.hanover-ma.gov](http://www.hanover-ma.gov)

### NOTICE OF VIOLATION

November 5, 2007

Mr. Harold Watt  
840 Washington Street  
Hanover, MA 02339

Dear Mr. Watt:

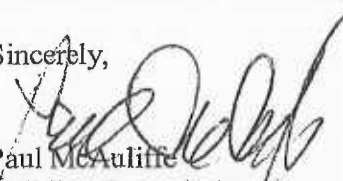
An inspection of the above captioned property was conducted by the undersigned, during which, the following VIOLATION(S) were observed:

Section 6-8 1 No person shall store or place, or permit to be stored or placed on premises which he owns, leases or occupies any debris, junk scrap metals or other waste material or products, which in the opinion of the Board of Selectmen shall be considered detrimental to the public safety, health and good.

You are hereby ordered, to abate or correct said violation(s) within seven (7) days. Failure to do so may be subject to a fine not exceeding \$20.00 dollars for each offense. Each day that such violation continues shall be construed as a separate offense.

You may appeal the decision of the Building Commissioner to the Board of Appeals of the Town of Hanover as prescribed in Section 12.200 of the Hanover Zoning Bylaw. The Zoning By-Law is available on line at: [www.hanover-ma.gov/regs.shtml](http://www.hanover-ma.gov/regs.shtml).

Sincerely,

  
Paul McAuliffe  
Building Commissioner

*Second Notice*



BUILDING DEPARTMENT  
TOWN HALL - 550 HANOVER STREET - SUITE 8  
HANOVER, MASSACHUSETTS 02339-2242  
781-826-6400

**NOTICE OF VIOLATION**

August 17, 2007

Mr. Harold Watt, Jr.  
840 Washington Street  
Hanover, MA 02339

Dear Mr. Watt:


An inspection of the above captioned property was conducted, during which, the following VIOLATION(S) were observed:

**GENERAL BYLAWS SECTION 6.8 – JUNK AND CAR DISPOSAL LAW**

You are hereby ordered, to abate or correct said violation. Failure to do so may be subject to fines as prescribed by pertinent laws and regulations.

Any person aggrieved by the decision of the Building Officer may appeal with the board of Building Regulation and Standards pursuant to MGL c143 sect; 100. The General By-Laws are available on line at [www.hanover-ma.gov](http://www.hanover-ma.gov).

Sincerely,

  
Paul McAuliffe  
Building Commissioner



INSPECTION DEPARTMENT  
TOWN HALL • 550 HANOVER STREET  
HANOVER, MASSACHUSETTS 02339  
(617) 826-6400

January 6, 2003

Mr. Harold J. Watt, Jr.  
840 Washington Street  
Hanover, MA 02339

**RE: 840 Washington Street**

Dear Mr. Watt:

The Building Department has received a complaint that you are storing debris on your property. On Friday, January 3, 2003 I observed several piles of debris located to the side of your home and to the rear. You are in violation of the Town of Hanover By-Law, Section 6.8 Junk and Car Disposal Law. I am issuing you a warning with an alleged fine of \$20.00 per day. You have 30 days to correct the situation or further action will be taken by this office.

If you have any questions please contact me at the Building Department.

Sincerely,

Michael J. Clancy, C.B.O.  
Building Commissioner

MJC/eac/840washingtonst

Certified Mail 7002 2410 0000 9208 0427

cc: Board of Selectmen  
Board of Appeals  
Police Department  
Fire Department



# EXHIBIT 4







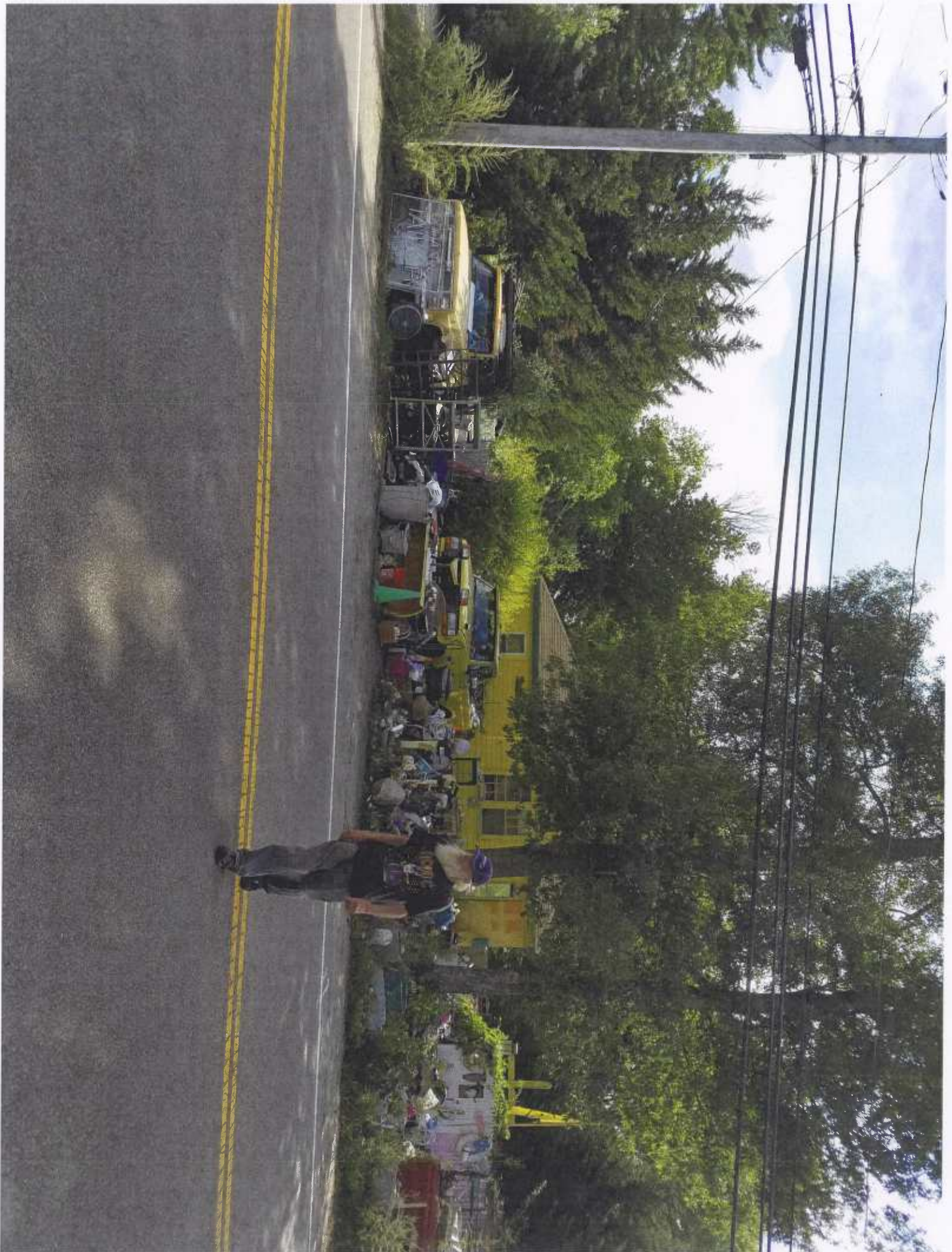












# EXHIBIT 5



**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XVI** PUBLIC HEALTH**CHAPTER 111** PUBLIC HEALTH**Section 127I** Enforcement of sanitary code; remedies; receiver

Section 127I. Upon the filing of a petition to enforce the provisions of the sanitary code, or any civil action concerning violations of the sanitary code by any affected occupants or a public agency, whether begun in the district, housing or superior court, and whether brought under section one hundred and twenty-seven C or otherwise, the court may: issue temporary restraining orders, preliminary or permanent injunctions; order payment by any affected occupants to the clerk of court, in accordance with the provisions of section one hundred and twenty-seven F; or appoint a receiver whose rights, duties and powers shall be specified by the court in accordance with the provisions of this section.

Upon receipt of service of any petition in which the appointment of a receiver is sought, the owner shall provide to the petitioner, within three days, a written list of all mortgagees and lienors of record. At least fourteen days prior to any hearing in any such proceeding, the petitioner shall send by certified or registered mail a copy of the petition to all mortgagees and lienors included in the owner's list as well as to all other mortgagees and lienors of which the petitioner may be aware, and shall notify them of the time and place of the hearing. Upon motion of the petitioner, the court may order such shorter periods of prior notice as may be justified by the facts of the case.

Whenever a petitioner shows that violations of the sanitary code will not be promptly remedied unless a receiver is appointed and the court determines that such appointment is in the best interest of occupants residing in the property, the court shall appoint a receiver of the property. Any receiver appointed under this paragraph may be removed by the court upon a showing that the receiver is not diligently carrying out the work necessary to bring the property into compliance with the code, or that it is in the best interest of any tenants residing in the property that removal occur.

No receiver shall be appointed until the receiver furnishes a bond or such other surety and provides proof of such liability insurance as the court deems sufficient in the circumstances of the case. Upon appointment, the receiver shall promptly repair the property and maintain it in a safe and healthful condition. The receiver shall have full power to borrow funds and to grant security interests or liens on the affected property, to make such contracts as the receiver may deem necessary, and, notwithstanding any special or general law to the contrary, shall not be subject to any public bidding law nor considered a state, county or municipal employee



for any purpose. In order to secure payment of any costs incurred and repayment of any loans for repair, operation, maintenance or management of the property, the receiver shall have a lien with priority over all other liens or mortgages except municipal liens, and such lien priority may be assigned to lenders for the purpose of securing loans for repair, operation, maintenance or management of the property. No such lien shall be effective unless recorded in the registry for the county in which the property is located.

The receiver shall be authorized to collect rents and shall apply the rents to payment of any repairs necessary to bring the property into compliance with the sanitary code and to necessary expenses of operation, maintenance, and management of the property, including insurance expenses and reasonable fees of the receiver, and then to payment of any unpaid taxes, assessments, penalties or interest. Any excess of income in the hands of the receiver shall then be applied to payments due any mortgagee or lienor of record.

Nothing in this section shall be deemed to relieve the owner of property of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner, nor shall appointment of a receiver suspend any obligation the owner or any other person may have for payment of taxes, of any operating or maintenance expense, or of mortgages or liens, or for repair of the premises.

The receiver shall be liable for injuries to persons and property to the same extent as the owner would have been liable; however, such liability shall be limited to the assets and income of the receivership, including any proceeds of insurance purchased by the receiver in its capacity as receiver. The receiver shall in no instance be personally liable for actions or inactions within the scope of the receiver's capacity as receiver. No suit shall be brought against the receiver except as approved by the court which appointed the receiver. Nothing herein shall be construed to limit the right of tenants to raise any counterclaims or defenses in any summary process or other action regarding possession brought by a receiver.

The remedies set forth herein shall be available to condominium unit owners and tenants in condominium units. Whenever used in this section, the term "petitioner" shall include a condominium unit owner or tenant, the term "owner" shall include a condominium association, the terms "mortgagees" and "lienors" shall include mortgagees and lienors of individual condominium units, and the term "rents" shall include condominium fees. The receiver shall have the right to impose assessments upon individual condominium units for payment of expenses incurred in the exercise of his powers, which liens shall have priority over all other liens and mortgages, except municipal liens.

The receiver shall file with the court and with all parties of record, on a bimonthly basis, an accounting of all funds received by and owed to the receiver, and all funds disbursed, and shall comply with such other reporting requirements mandated by court, unless, for cause

shown, the court determines that less frequent or less detailed reports are appropriate; provided that said notice shall not be less than five days.